

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

:
: 2:12-md-02311
: Honorable Marianne O. Battani
:

IN RE: POWER WINDOW MOTORS

:
: Case No. 2:13-cv-02301-MOB-MKM
: Case No. 2:15-cv-11829-MOB-MKM
:

THIS DOCUMENT RELATES TO:
DIRECT PURCHASER ACTION

**NOTICE OF SIXTH CIRCUIT ORDER FOR LIMITED REMAND REGARDING THE
MOTION FOR PRELIMINARY APPROVAL OF THE DIRECT PURCHASER
SETTLEMENT WITH THE MITSUBA DEFENDANTS AND FOR PROVISIONAL
CERTIFICATION OF A DIRECT PURCHASER SETTLEMENT CLASS**

Direct Purchaser Plaintiff All European Auto Supply, Inc. (“Plaintiff”) hereby notifies the Court that the Court of Appeals for the Sixth Circuit has entered an “Order for Limited Remand” in this case regarding the direct purchaser settlement with the MITSUBA Defendants.

After the Court dismissed the case Plaintiff filed a notice of appeal. Plaintiff and the MITSUBA Defendants had agreed to settle the matter. Because the case was then on appeal to the Sixth Circuit, the Plaintiff moved this Court for an indicative ruling, pursuant to Federal Rule of Civil Procedure 62.1, that the Court would either grant the “Direct Purchaser Plaintiff’s Motion for Preliminary Approval of Proposed Settlement with the MITSUBA Defendants, and for Provisional Certification of a Direct Purchaser MITSUBA Settlement Class” if the Court of Appeals remanded for that purpose, or that the preliminary approval motion raised a substantial issue. The preliminary approval motion, supporting brief, and proposed order were attached to the motion as Exhibit 1, and the Settlement Agreement was attached as Exhibit 1 to Exhibit 1.

On August 30, 2018, the Court granted the motion and “conclude[d] that, if the matter were remanded for consideration of the preliminary approval of the direct purchaser settlement with Mitsuba and for provisional certification of the direct settlement class, the motion would be granted.”

Thereafter, the parties filed a “Joint Motion for Limited Remand” with the Sixth Circuit. On September 11, 2018, the Sixth Circuit granted the motion, the order is attached as Exhibit A, and remanded the case to this Court for further proceedings with respect to the MITSUBA class settlement.

Dated: September 12, 2018

Respectfully submitted,

/s/David H. Fink

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Direct Purchaser Plaintiff's Counsel

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2018, I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing to all counsel of record registered for electronic filing.

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